

Luke W. Reese, OSB No. 076129
lreese@ghrlawyers.com
GARRETT HEMANN ROBERTSON P.C.
P.O. Box 749
Salem, Oregon 97308-0749
Tel: (503) 581-1501
Fax: (503) 581-5891
Of Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

NICOLE GILILLAND, an individual

Plaintiff,

No. 6:19-cv-00283-MK

vs.

**DEFENDANT'S WITNESS
STATEMENTS**

SOUTHWESTERN OREGON
COMMUNITY COLLEGE DISTRICT by
and through its BOARD OF
EDUCATION, an Oregon community
college district and board;
SOUTHWESTERN OREGON
COMMUNITY COLLEGE, an Oregon
community college,

Defendants.

Defendant Southwestern Oregon Community College District respectfully submits the following witness statements:

LAY WITNESS STATEMENTS

1. Elizabeth Cooper – *Her/Hers*

- a. Title: Former Part-Time Clinical Instructor assigned to Coquille Valley Hospital
- b. Estimated Length of Direct Examination: 15 minutes
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Cooper will testify as to her observations of Susan Walker when discussing with

plaintiff. Ms. Cooper will testify that at no time did she believe Susan Walker was targeting or otherwise inappropriately treating plaintiff.

2. Tim Dailey -*Him/His*

- a. Title: Vice President of Student Services
- b. Estimated Length of Testimony: 2 hours
- c. Description: In addition to testifying consistent with his deposition testimony, Mr. Dailey will testify as to his training and experience in working with students to resolve disputes ranging from grade disputes to harassment complaints under Title IX. Mr. Dailey will testify as to his decision-making process for determining what with type of dispute a student is seeking assistance. Mr. Dailey will further testify as to why he understood plaintiff's concerns to be one of a grade dispute and not one that would trigger either the Title IX or harassment process. Mr. Dailey will further testify as to his observations as to plaintiff's concerning behavior and the impact the behavior had on her performance in the nursing program and her relationship with her instructors.

3. Robin Finney – *Her/hers*

- a. Title: Clinical Instructor
- b. Estimated Length of Testimony: 1 hour
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Finney will testify to the expectations SWOCC has for students to appropriately cite original source material in their assignments for the nursing program and not commit plagiarism. Ms. Finney will also testify to the events surrounding her identifying one of plaintiff's assignments for the nursing program to be plagiarized in part. Ms. Finney will further testify that at the time she identified potential plagiarism in one of plaintiff's assignments, she had no knowledge of plaintiff's

former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender.

4. Rod Keller - *Him/His*

- a. Title: Former Instructional Dean
- b. Estimated Length of Testimony: 30 minutes
- c. Description: In addition to testifying consistent with his deposition testimony, Mr. Keller will testify to the process he undertook and conclusions he reached related to suspicions about plaintiff plagiarizing an assignment in the nursing program. Mr. Keller will further testify that when he reviewed and made recommendations about plaintiff's assignment and the assignments of other students in plaintiff's nursing program cohort regarding incidents of plagiarism, he had no knowledge of plaintiff's former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender.

5. Ali Mageehon – *Her/hers*

- a. Estimated Length of Testimony: 30 minutes
- b. Description: Ms. Mageehon will testify consistent with deposition testimony.

6. Francisco Saldivar – *Him/His*

- a. Title: Career, Technical and Workforce Education Dean
- b. Estimated Length of Testimony: 2 hours
- c. Description: In addition to testifying consistent with his deposition testimony, Mr. Saldivar will explain the process for and limitations to a SWOCC nursing student's ability to challenge a grade. Mr. Saldivar will further testify as to his observations of how plaintiff responded to concerns from her nursing program

instructors and how plaintiff's response impacted her performance in the program. Mr. Saldivar will further testify that, based on his experience and observations, he did not believe Susan Walker, Robin Finney, Melissa Sperry, or any of the other nursing faculty members targeted or otherwise treated plaintiff differently because of her gender.

7. Patty Scott – *Her/Hers*

- a. Title: SWOCC President
- b. Estimated Length of Testimony: 20 minutes
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Scott will testify to the training SWOCC staff receives around Title IX. Ms. Scott will also testify to the different complaint processes available to SWOCC students. Ms. Scott will further testify that when SWOCC investigated plaintiff's alleged plagiarism of assignments and potential plagiarism of assignments by other students in plaintiff's nursing program cohort, she had no knowledge of plaintiff's former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender. President Scott will also testify as to Title IX's role at SWOCC and when it is the appropriate complaint process versus when it is not applicable.

8. Melissa Sperry – *Her/Hers*

- a. Title: Former Clinical Nursing Instructor and Advisor
- b. Estimated Length of Testimony: 1.5 hours
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Sperry will testify to the role she played as plaintiff's advisor while plaintiff was in SWOCC's nursing program. Ms. Sperry will also testify to the role she played in the inquiry into an incident of plaintiff plagiarizing a SWOCC nursing program

course assignment. Ms. Sperry will further testify that she had no knowledge of plaintiff's former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender.

9. Susan Walker – *Her/Hers*

- a. Title: Former Director of the SWOCC Nursing Program
- b. Estimated Length of Testimony: 1.5 hours
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Walker will testify to her role as the director of the SWOCC nursing program while plaintiff was a student. Ms. Walker will testify to her oversight of the operations of the nursing program during the inquiry into an incident of plaintiff plagiarizing a nursing program course assignment. Ms. Walker will further testify that she had no knowledge of plaintiff's former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender.

10. Jeff Whitey – *Him/His*

- a. Estimated Duration of Testimony: .5 hours
- b. Description: Consistent with deposition testimony.

11. Eric Morrell, PhD – *Him/His*

- a. Title: Licensed Clinical Psychologist
- b. Estimated Length of Testimony: 30 minutes
- c. Description: Dr. Morrell will testify as to his observations of plaintiff's emotional and mental state and the substance his August 14, 2018 report based on his evaluation of plaintiff.

12. Pam Wick – *Her/Hers*

- a. Title: Former Clinical and Lab Instructor
- b. Estimated Length of Testimony: 20 minutes
- c. Description: In addition to testifying consistent with her deposition testimony, Ms. Wick will testify to her experience with how classroom grade disputes were handled at SWOCC. Ms. Wick will also testify to the oversight by the Oregon State Board of Nursing in SWOCC's classrooms and clinical settings. Ms. Wick will further testify that at the time she was plaintiff's instructor in the nursing program, she had no knowledge of plaintiff's former career as an adult film model and actress and did not observe any SWOCC nursing faculty members target or otherwise treat plaintiff differently because of her gender.

DATED this 26th day of April, 2022.

GARRETT HEMANN ROBERTSON P.C

s/ Luke W. Reese

Luke W. Reese
(OSB No. 076129)

lreese@ghrlawyers.com
Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the foregoing **Defendant's Witness Statements** on the date indicated below,

☒ Via Email
☒ Via Electronic Filing
☐ Via Facsimile Transmission
☐ Via Hand Delivery
☐ Via Overnight Delivery

to the following person(s) a true copy thereof, contained in a sealed envelope (if other than by facsimile transmission), addressed to said person(s) at their last known addresses indicated below:

Brandon J. Mark
Michael W. Young *Bar No. 12282*
Parsons Behle & Latimer
201 South Main Street Suite 1800
Salt Lake City UT 84111
Phone: (801) 532-1234
Fax: (801) 536-6111
Email: bmark@parsonsbehle.com
myoung@parsonsbehle.com
ecf@parsonsbehle.com
Of Attorneys for Plaintiff

DATED this 26th day of April, 2022.

GARRETT HEMANN ROBERTSON P.C.

s/ Luke W. Reese

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